## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

3:16-cv-00371-GCM (3:93-cr-00129-GCM-1)

ANTONIO VLADIMAR STOWE MCDANIEL,	)	
Petitioner,	)	
v.	)	ORDER
UNITED STATES OF AMERICA,	)	
Respondent.	) ) )	

**THIS MATTER** is before the Court on consideration of Respondent's motion to stay disposition of this collateral proceeding. (Doc. No. 5). Petitioner does not object.

Respondent moves for a 60-day extension from the date the Fourth Circuit decides <u>United States v. Ali</u>, No. 15-4433 and <u>United States v. Simms</u>, No. 15-4640, to file a response to Petitioner's motion for relief from his sentence. In these cases, the Court is considering whether the Supreme Court's decision in <u>Johnson v. United States</u>, 135 S. Ct. 2551 (2015), invalidates the residual clause of 18 U.S.C. § 924(c)(3)(B), on the grounds that it is unconstitutionally vague.

Because issues in the <u>Ali</u> and <u>Simms</u> cases are likely relevant to the resolution of Petitioner's case, and noting no objection from Petitioner, the Court will grant Respondent's motion.

IT IS, THEREFORE, ORDERED that Respondent's motion to stay is GRANTED, (Doc. No. 5), and Respondent shall have 60-days from the date the Circuit Court renders its decisions in <u>United States v. Ali</u> and <u>United States v. Simms</u> to file a response to Petitioner's motion for relief from his sentence.

## SO ORDERED.

Signed: September 16, 2016

Graham C. Mullen United States District Judge